



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2303128
Applicant Name: Gary M. Abrahams for T-Mobile USA
Address of Proposal: 5100 Beacon Avenue South

SUMMARY OF PROPOSED ACTION

A Master Use Permit to establish use for construction of a minor communication utility (T-Mobile USA), consisting of three panel antennas mounted at 59.5 feet above grade on an existing 128 foot Seattle City Light transmission tower. The project also includes locating accessory equipment cabinets on a 96 square foot concrete pad within the tower frame at grade.

The following approvals are required:

Administrative Conditional Use - To allow a minor communication utility on an existing public facility in a single-family zone.

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code

SEPA DETERMINATION: ☐ EXEMPT ☐ DNS ☐ MDNS ☐ EIS
 ☒ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition
 involving another agency with jurisdiction.

**Early Notice DNS published June 19, 2003

BACKGROUND DATA

Site Location and Description

The subject site is located on Beacon Avenue South, between South Dawson Place and South Dawson Street within a City of Seattle transmission line right-of-way in the Beacon Hill neighborhood. Within this swath of land cutting through Beacon Hill, the development site comprises an area of approximately 8,093.43 square foot on a modified rectangular shaped lot in

a Single Family 5,000 (SF 5000) zone. One utility transmission tower standing approximately 128 feet above grade is the only structure sited at the development site. The site slopes down and away from its south east property boundary line, creating a subtle slope wherein the transmission tower is located. The subject site is otherwise free of structures, with no vegetation other than a cropped grass lawn creating an open space park feel. Beacon Avenue South to the west and South Dawson Street are fully improved right-of-ways, while South Dawson Place is undeveloped and unimproved. The alley that runs parallel to Beacon Avenue South, bordering the subject site to the east is improved with crushed rock.

The subject site is located within a densely populated SF 5000 zone that supports modestly sized one and two story homes. The nearest single family use to the west is approximately 150 feet and 12 feet above base grade for the transmission tower. To the east across the 30th Avenue South right-of-way the nearest single family use is approximately 2 feet above base grade. Situated to the southeast and northwest is the transmission line right-of-way that supports utility lines and towers. Other zones in the vicinity outside the expansive SF 5000 zone, where the subject site is located are Single Family 7200 (SF7200) to the west, to the north Neighborhood Commercial Two (2) with a height limit of 40 feet (NC2-40) and to the south Neighborhood Commercial One (1) with a height limit of 30 feet (NC1-30).

Proposal Description

The applicant proposes to install a total of three (3) panel antennas mounted at a height of 59.5 feet above grade on an existing 128 foot tall Seattle City Light transmission tower. The proposal consists of three (3) sectors, containing one (1) antenna per sector for a total of three (3) antennas. The project also includes installation of accessory equipment cabinets to be located at ground level, within the tower frame at grade on a 96 square foot concrete pad. The meter and main disconnect utility rack is proposed to be located approximately 30 feet away from the equipment cabinets, adjacent to the 20 foot (width) alley that runs parallel to Beacon Avenue South. The equipment cabinets will be screened with a six (6) foot all solid wood fence with landscaping ringing its perimeter.

Public Comment

No public comment letters were received during the comment period, which ended July 2, 2003.

ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE

Section 23.57.010.C of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Single-Family Zone with the approval of an administrative conditional use permit when the establishment or expansion of a minor communication utility, except on lots zoned Single Family or Residential Small Lot and containing a single family use residence or no use subject to the requirements of this section enumerated below:

- 1. The proposal shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive*

facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.

The proposal site is located within a Seattle City Light transmission line right-of-way in a Single Family 5000 zone, and will be sited on an existing utility transmission tower. The antennas will be flush mounted to an existing electrical transmission tower and painted to match the existing color of the tower to minimize visual impacts on surrounding uses. The design would render the antennas nearly non-distinctive from a distance. The accessory equipment cabinet and associated devices will be hidden behind a six (6) foot tall solid wood fence. A five foot deep landscaped area adjacent to the fence will provide additional screening to minimize the visual impact of the equipment cabinets. Therefore, this proposal does not represent a commercial intrusion which would be significantly detrimental to the residential character of the surrounding residentially zoned area.

The noise level is estimated to be below the ambient level of residential uses within the Single Family 5000 zone according to the project acoustics' report. Traffic impact is not anticipated other than one service visit per month. The proposal would be compatible with uses allowed in the zone, and since no housing or structure will be removed, the proposal will not result in displacement of residential dwelling units.

As proposed, the minor communications utility will not constitute a commercial intrusion that will be substantially detrimental to the residential character of the surrounding neighborhood. The submitted documents and plans note that the proposed devices will be painted to match the tower in a non-glare color. Given these existing conditions and additional camouflaging screening techniques of the antennas designed to blend with the skeletal tower frame, and the location of the associated equipment cabinet behind a landscaped area and 6 foot tall fence, the proposed minor communications utility would be minimally obtrusive and not detrimental to the residential streetscape character along Beacon Avenue South, South Dawson Place, and South Dawson Street.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

The applicant has designed the size, shape and materials of the proposed utility to minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible in the form of a flush mounted (antenna) frame support structure attached to the structural leg frame of the transmission tower. It is designed to visually fit in with the skeletal frame of the existing tower in order to visually screen and camouflage the antenna location. The proposed antennas would be painted to match the tower to subtly create a visual coherence in form and shape to blend in with the tower. The related equipment cabinets would be placed within a solid wood fence with landscaping surrounding the fence's perimeter. The meter reader rack will be located adjacent to the alley. All design features will be a condition of approval for this permit.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*

- a. *the antenna is at least one hundred feet (100') from a MIO boundary; and*
- b. *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay; therefore, this provision is not applicable.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The applicant has stated that the engineers working for T-Mobile USA on this project have determined a need for additional coverage in this area. The engineers have noted the need for the utility to be at the proposed height if sited at this location. The selected location maximizes capacity and coverage/penetration for this area within the city limits. The applicant supported this claim with analysis of coverage area challenges that included topography, tree vegetation, and availability of structures that could support the proposed coverage needed to satisfy the applicant's wireless system. The applicant also notes that, though the height proposed is greater than allowed by the SF 5000 zone, it is substantially less than that of the existing utility lattice tower on site.

The proposed antennas will be side mounted to an existing utility transmission tower approximately 59.5 feet above grade on a transmission tower that extends 128 feet above existing grade. The proposed minor communication facility will extend approximately 30 feet above the base height limit for the single family zone. However, due to the fact that the existing structure is already over the height limit by approximately 98 feet, additional increase in bulk, view blockage and shadow impacts are not anticipated to be a substantive visual impact with the attachment and extension of the proposed antennas.

Due to the operational characteristics of the proposed facility, a clear line of site from the antennas in the system throughout the intended coverage area is necessary to ensure the quality of the transmission of the digital system. The strict application of the height limit would preclude the applicant from providing wireless services for the intended coverage area, which includes north towards Jefferson Park Golf Course, southeast towards Rainier Beach and southwest towards Georgetown Neighborhoods. The site was chosen because its elevation and location are uniquely suited to serve the adjoining residential and commercial areas. No properties were identified with sufficient elevation height to provide the coverage needed to meet the service objectives within the preferred nonresidential zone locations. The applicant has identified a common sense hierarchical siting preference matrix to site their facilities. Industrial zones being the most preferred, single family zone with an established residential use the least preferred. The additional height above the zone development standard is the minimum required to attach the antennas to the transmission tower and obtain sufficient coverage.

One alternative would be to erect a freestanding transmission tower either in the Transmission line right-of-way or on vacate land under private ownership. Alternatively, the applicant could secure a willing private property owner to place the accessory equipment cabinet on their property and with the approval of Seattle City Light attach the panel antennas to a utility pole. These alternatives would likely have greater visual and use impacts and may lack suitable locations to place the communication utility in a residential single family zone. To locate a communication utility outside this transmission line right-of-way would likely be more visually intrusive in the single family zone. According to the applicant, the literal interpretation and strict application of the Land Use Code would be that T-Mobile USA could not meet its federal mandate of its FCC license to provide high speed wireless internet access throughout the Seattle metropolitan area. This proposal site, at this elevation is a vital link in the planned network for the Seattle Metropolitan area. Given these alternatives, the height limit extension is a minimal impact. Thus, this criterion is satisfied.

5. If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.

The proposed minor communication utility is not proposed for a new freestanding transmission tower. Therefore, this provision does not apply.

6. If the proposed minor communication utility is for a personal wireless facility and it would be the third separate utility on the same lot, the applicant shall demonstrate that it meets the criteria contained in subsection 23.57.009 A. except for minor communication utilities located on freestanding water tower or similar facility.

The proposed minor communication utility will not be the third utility service on the same lot. Therefore, this provision does not apply.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

This application to install a minor communication utility in a Single family zone, which exceeds the height limit of the underlying zone, is **CONDITIONALLY APPROVED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by Paul Wozniak, the former applicant on May 27, 2003, and supplemental information in the project file submitted by the applicant. The information in the checklist, supplemental information, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The proposal is located within residential receptors that would be adversely impacted by construction noise. Therefore, additional discussion of noise impacts is warranted.

Construction Noise

The limitations of the Noise Ordinance (construction noise) are considered inadequate to mitigate the potential noise impacts associated with construction activities. The SEPA Policies at SMC 25.05.675 B allow the Director to limit the hours of construction to mitigate adverse noise impacts. Pursuant to this policy and because of the proximity of neighboring residential uses, the applicant will be required to limit excavation, foundation, and external construction work for this project to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit.

Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a “Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility” and an accompanying “Affidavit of Qualification and Certification” for this proposed facility giving the calculations of radio frequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The Department’s experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore, pose no threat to public health. Warning signs at every point of access to the transmitting antenna shall be posted with information of the existence of radiofrequency radiation.

Summary

In conclusion, several effects on the environment would result from the proposed development. The conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

1. The owner(s) and/or responsible party(s) shall provide ensure that the antennas and support structures are painted to blend with the color (non-glare) of the transmission tower.

2. The owner(s) and/or responsible party(s) shall limit the width of the propose meter and main disconnect utility rack to two (2) feet and a fence shall be placed immediately around said rack.
3. The owner(s) and/or responsible party(s) shall paint all fences with a low gloss or flat earth tone color to minimize contrast with proposed vegetation in the landscaped area.
4. The owner(s) and/or responsible party(s) shall extend the landscaped area from five (5) feet to ten (10) feet around the mechanical equipment cabinets and adhere to Seattle City Lights setback requirements.

Land Use Code Requirement (Non Appealable) Prior to Issuance of Master Use Permit

5. The owner(s) and/or responsible party(s) shall update the official MUP plan set to provide access and signage in accord with Section 23.57.010E4 which restrict access to minor communications utilities to authorized personnel. Also, the updated plans will reflect changes to the stand-off antenna frame reducing projection from utility transmission tower. This shall be to the satisfaction of the Land Use Planner.

CONDITION - SEPA

During Construction

6. The following conditions to be enforced during construction shall be posted at the site in a location visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions shall be printed legibly on placards available from DPD, shall be laminated with clear plastic or other weatherproofing material, and shall remain in place for the duration of the construction.

The applicant shall limit external construction work for this project to non-holiday weekdays between 7:30 a.m. and 6:00 p.m.

Signature: (signature on file) Date: December 15, 2003
Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services